

REMARKS/ARGUMENTS

Thorough examination and careful review of the application by the Examiner is noted and appreciated.

The examiner has rejected claims 1, 3-8, 10, 11, 13, and 14.

Specification, paragraph 0029 has been amended.

Claims 1, 4, 6, 7, 11 and 13 have been amended.

Claims 15-17 have been newly added.

Claims 1, 3-8, 10, 11, 13, and 14-17 remain in this application.

Accordingly, upon entry of this Response, Claims 1, 3-8, 10, 11, 13, and 14-17 are pending.

The changes in the specification and claims do not introduce new matter but clarify matters shown and described in the application as filed. The foregoing amendments and following remarks are believed to be fully responsive to the Office Action mailed March 26, 2004 and render all currently pending claims at issue patentably distinct over the references cited by the Examiner. The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art. Reconsideration and examination of this application is respectfully requested in light of the foregoing amendments and the following remarks.

**EXAMINER'S OFFICE ACTION**

In the March 26, 2004 Office Action referenced above, the Examiner:

objected to claims 4, 7, and 13;

rejected Claims 1 and 5 under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,160,109 issued to Farrell et al. (hereinafter "FARRELL"); and

rejected Claims 3, 4, 6-8, 10, 11, 13, and 14 under 35 USC §103(a) as being obvious over FARRELL in view of U.S. Patent No. 6,247,769 issued to Spitzer et al. (hereinafter "SPITZER").

**Specification Amendments**

The paragraph 0029 was amended to recite the structure of the flat tracks 20 as originally disclosed in FIG. 1C as follows: "There also provided flat tracks 20 fixedly secured to a floor 22, wherein the flat tracks 20 are positioned in longitudinal or parallel alignment with the longitudinal length of the shelves 16 whereas the racks 14 are equipped with wheels 24, and the racks 14 are made movable along the tracks 20."

The amendment to paragraph 29 does not add new matter but instead operates to clarify the structure as originally disclosed in FIG. 1C.

**Objections to the Claims**

In the Office Action, (hereinafter "OA") page 2, clause 3 claims 4, 7, and 13 were objected to because of the following informalities: "8" should be 8 degrees or "8°". Appropriate correction is required."

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Accordingly, claims 4, 7, and 13 have been amended to include the limitation "8 degrees."

In light of amendments to Claims 4, 7, and 13, Examiner's informality objections have been obviated.

**Rejections under 35 U.S.C. §102**

In the Office Action, the claims 1 and 5 stand rejected under 35 U.S.C. §102(b) as being anticipated by FARRELL.

The rejections of claims 1 and 5 based on FARRELL are respectfully traversed.

FARRELL teaches a shiftable storage system having ranges 14, a complex module control system 36 having monitors mounted to the top of the ranges, safety bars 40 (FIG. 1) which extend along corresponding sides of each range 14 at two different heights, and are linked to electrical switches 42 (FIG. 2) connected in the module control system 36. See FARRELL, col. 6, lines 7-11, col. 18, lines 57-61.

"Ranges 14 include means formed, for example, by shelves 16 and vertical partitions 18 for holding various things such as files or books." Farrell, col. 5, lines 36-38.

"Nine ranges 14 (14-2 through 14-10) **are movable to selectively form an aisle 20**, and for that purpose are provided with wheels (not shown) on the bottoms thereof to form carriages. **Mounting rails 22** are mounted on the floor 24 along which the movable carriages 14 may be moved." Farrell, col. 5, lines 42-44 and FIG. 1.

Farrell, col. 3, lines 11-14 "When a person's presence is so detected in an open aisle, the movable storage element or elements adjacent an open aisle are prevented from moving to close the aisle." col. 3, lines 24- "According to the invention, a monitor or detector detects a person's presence in an open aisle without direct contact between the person and the monitor and in response thereto, the storage system prevents a storage element or elements from moving to close the aisle in which a person has been detected."

"Mobile storage system 10 includes conventional safety bars 40 (FIG. 1) which extend along corresponding sides of each range 14 at two different heights, and are linked to electrical switches referenced generally by 42 (FIG. 2) connected in module control system 36. **Should a range 14 move to close an aisle 20 with a person in it, a safety bar 40 will touch the person (or an object) present in the open aisle 20 and open the associated switch 42 and cause module control system 36 to disable the motors for all storage elements 14 and stop movement thereof.**" Farrell, col. 6, lines 7-17.

FARRELL further teaches that electrical motor and gearing may be provided to move each movable range, open and close access aisles if a switch is coupled to the motor to operate the system. See FARRELL, col. 4, lines 47-50; col. 11, lines 19-25. FARRELL teaches mounting of electric motors to each rack 14 as described in NAITO patents 4,033,649 (NAITO '649) and 4,412,772 (NAITO '772). See FARRELL, col. 6, lines 37-42.

More particularly, the NAITO '649 and '772 patents teach that the motor be mounted to the side of a range 14 and coupled

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to the complex control system for grounding the control system.  
See generally NAITO '649 and '772.

"As shown in FIG. 2 on the side wall of the shiftable stack unit 203 is provided a control board 210 which has a power source switch 216 and a special operation switch 217 at the center . . . ." NAITO '772, col. 3, lines 34-37.

NAITO '649 uses switches, relays, and contacts connected to terminals of a power source to ground the electric motors mounted to the NAITO article storing device. See NAITO, FIG. 4, col. 5, lines 42-49. "Thus, an automatic cut-off circuit is formed in part, by the timer 76, relays 68, 77 and associated contacts in order to automatically disconnect the motor circuit formed, inter alia, by the electromagnetic switch 65 and relay contacts 66s', 67t, 68s' from the conductors 62, 64 of the power supply." NAITO, col. 8, lines 20-25.

The NAITO '772 patent uses a grounding relay 310 to ground the shiftable stack unit. See NAITO '772, FIG. 14, col. 6, lines 30-33.

The present invention provides reticle storing movable rack system according to amended claim 1, and newly added claims 15-17 features, inter alia, tracks that are electrically grounded and are longitudinally positioned in longitudinal alignment with the shelves, racks that have wheels and that are grounded by having wheels connect to the tracks, conductive floor covering that further assists in the grounding of the racks of the present invention, and cells that are made of metal and electrically

connected to the racks by placing the cells on shelves of the racks, and wherein each cell houses a reticle in box.

The Examiner contends in OA, page4, clause9: "In response to applicant's arguments on page 10 paragraph #1 of the amendment [filed 11/24/2003] that Farrell et al lacks an electrical connection between what it is intended to hold and the ground through cells, shelving and racks, it is noted that the features upon which applicant relies (i.e., boxes of reticles) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims."

Amended claim 1 is directed to:

"A reticle storing movable rack system **consisting essentially of:**

a plurality of flat tracks fixedly secured to a floor, each of **said flat tracks being grounded,**

a plurality of storage units, each of said storage units comprising a plurality of racks having wheels adapted to be moved along flat tracks of said plurality of flat tracks, **each of said racks being electrically grounded when said rack wheels contact said flat tracks of said plurality of flat tracks,** and

an operator engageable drive assist mechanism to move said racks,

**wherein each of said racks comprises** a plurality of shelves with **plurality of cells for housing reticles therein,** said cells having electrostatic shielding properties, said electrostatic shielding properties being

secured by making said cells metallic and electrically connecting them to said racks by placing said cells on each of said plurality of shelves, and wherein each of the plurality of cells houses a reticle in a box."

Applicant has positively recited the "reticle in a box" in the amended claim 1.

Support for amending independent claim 1 is disclosed in Applicant's Specification, paragraph 0028. "Each cell houses a reticle in a box." Additional support is disclosed in Applicant's Specification, Paragraph 0035 "Making the shelves with the slope prevents the **boxes with the reticles** from falling down out of the cells in the time of earthquake.

The FARRELL reference fails to disclose the structure of the contents held by the shelves 16 as part of the FARRELL mobile storage unit.

Thus, the structure of the rack of the present invention is different than the structure of storage unit of FARRELL.

Additionally, Claim 15 was newly added to further define the structure of the reticles as claimed in amended claim 1, wherein Claim 15 recites "each reticle is a ceramic substrate coated with a metallic layer forming a pattern for an electronic circuit."

Support for the addition of claim 15 is disclosed in Applicant's Specification, paragraph 0005, "By reticle, a transparent ceramic substrate is understood that is coated with a metallic layer forming a pattern for an electronic circuit.

Additionally, Examiner equates the partitions 18 of the FARRELL reference with the cells that each house a reticle in a box of the present invention.

Applicant disagrees with Examiner's assertion.

The present invention is directed to cells that house reticles that are well known in the semiconductor wafer arts to be inherently thin "a transparent ceramic substrate" See Applicant's Specification, paragraph 0005. Additionally, each cell in the racks of the applicant's invention are adapted to hold **"a reticle in a box"** (see Applicant's Specification, paragraph 0028), thus, the cells must be spaced apart in a close manner to each house only one reticle.

Even if the FARRELL vertical partitions 18 operate to hold "things such as files or books" (See FARRELL, col. 5, lines 37-38), nowhere does FARRELL teach, suggest, or even hint at holding individual objects such as a single reticle in a box.

In contrast, to the closely spaced apart cells as inherently disclosed in Applicant's Specification and as shown in Applicant's Specification, FIG. 1b, the FARRELL partitions 18 (as shown in FARRELL, FIG. 1) appear to be spaced apart to each hold a plurality of items larger than a single reticle in a box. If a single reticle in a box was placed on the FARRELL shelves, the partitions 18, as shown in FARRELL, FIG. 1 do not appear able to vertically support the single reticle in a box.

Examiner further contends in OA, page 4, clause 10: "In response to applicant's arguments on page 11 [of 11/24/2003 OA]



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that Farrell "does not operate to electrically connect the inside portion of the rack between the partitions to ground", the examiner take[s] the position that Farrell teaches all of the limitations recited in the independent claims for providing electrical connection between the rack and the ground of metallic cells/partitions placing on the metallic shelves of the metallic racks."

Applicant disagrees with Examiner's contention.

The FARRELL reference fails to show how FARRELL provides an electrical connection between the rack, the shelves and the partitions formed within the shelves of the FARRELL mobile storage unit to ground the FARRELL mobile storage unit.

The present invention, as recited in independent claim 1 is directed to "each of said racks being **electrically grounded when said rack wheels contact said flat tracks of said plurality of flat tracks.**"

Support for claim 1 is disclosed in Applicant's Specification, Paragraph 0030: "The racks 14 and tracks 20 are made of metal. The tracks 20 are grounded that is symbolically shown by reference numeral 28."

Thus, the wheels of the present invention must be conductive because the rack is grounded by having wheels connect to the tracks, and additionally, the cells of the present invention are made of metal and are electrically connected to the racks by placing the cells on shelves of the racks. Also, the reticles

have electrical properties and are electrically joined to the cells when placed on the shelves.

Unlike the present invention, the FARRELL reference lacks an electrical connection between what it is intended to hold (files or books) and the ground through cells, shelving and racks (ranges 14 in the FARRELL reference). The system disclosed in the FARRELL is intended to store "various things such as files or books" (FARRELL, col. 5, line 38) whereas the present invention stores boxes of reticles which are susceptible to electrostatic discharge and thus must be properly discharged through the cells which hold the reticles. Thus, unlike the present invention, FARRELL fails to teach or disclose any motivation to ground the shelves or partitions that hold the contents of the FARRELL range 14.

Applicant maintains that the FARRELL reference does not seem to suggest the presence of the above-mentioned structural limitation of the applicant's invention in the form of the electrical connection.

While FARRELL does teach mounting of electric motors to each rack 14 as described in NAITO patents 4,033,649 and 4,412,772 (See FARRELL, col. 6, lines 37-42), both the NAITO '649 and '772 references show electric motors mounted **to a side wall of a rack** 14, there is no teachings in the FARRELL or NAITO references that the mounting of the motors to the rack necessarily means that the entire rack is grounded by wheels and rails electrically connected to the shelves and partitions of the FARRELL and NAITO storage units.

Instead, both the NAITO '649 and '772 references use complex control system to ground the motors used in both references. Unlike the present invention, neither of the NAITO references teach grounding of cells and reticles placed within the shelving units of the racks to ground the motors.

Neither the FARRELL nor the NAITO references teach or suggest grounding the **entire rack** to ground. Even if both references inherently taught grounding of the rack, the inherency would only extend to **a portion of the rack** to which the electrical components and motors are mounted in the FARRELL or the NAITO references, i.e., the outer side wall of the rack to which the motor is mounted, and to a top portion of the rack to which to which monitors of the FARRELL reference are mounted.

Thus, the motors of the FARRELL and NAITO references are mounted to an outside portion of the entire mobile storage system, a side wall, **not inside the rack** or storage unit.

Additionally, FARRELL teaches away from mounting such motors or control systems inside of the rack:

"Another object of the invention is to provide for such aisle safety without interfering with normal usage of the storage system, and/or without requiring a person to set or activate any controls, and/or **so as not to take up space on those areas of the storage elements** to which other components, controls, et. are typically mounted." FARRELL, col. 2, lines 50-55.

Thus, if a motor or control system were mounted inside of the shelf, the electrical equipment would interfere with the storage capacity of the mobile storage unit.

As explained, supra, the rack of the FARRELL and NAITO references is only part of the mobile storage system and the electrical equipment and **does not** operate to electrically connect the inside portion of the rack between the partitions 18 to ground. Thus, contrary to the Office action assertion, **it is not inherent that an interior portion of the racks be grounded.**

The mobile storage unit of the present invention is grounded by having an electrical connection with the plurality of flat tracks fixedly secured to the floor as shown in FIG. 1c.

Additionally, unlike the present invention, FARRELL fails to teach or suggest that the tracks are electrically connected to the racks 14 and that that are grounded.

Thus, FARRELL fails to teach the cells of the present invention that are adapted to hold boxes of reticles.

Additionally, claim 16 was added to further define the additional grounding properties of the present invention as claimed in claim 1 including the conductive nature of the floor coverings to route electrical charges to ground. Support for adding claim 16 is disclosed in Applicant's Specification, Paragraph 0030: "Walls and floor coverings are built with slightly conductive materials such that electrical charges can be routed to ground."

The FARRELL reference fails to disclose the conductive nature of floor coverings to further advance the grounding of the mobile storage unit, contrary to the teachings of the floor covering disclosed in Applicant's Specification.

Examiner asserts on pages 5-6, clause 12 that "In response to applicant's arguments on page 13 regarding the transitional phrases "consisting essentially of" expressly excludes the electrical equipment and safety bar 20" of the Farrell reference, the examiner takes that position that as stated in MPEP 2111.03: "The transitional phrase "consisting essentially of" limits the scope of a claim to the specified materials or steps" and those that do not materially affect the basic and novel characteristic(s)" of the claimed invention. . . . If an applicant contends that additional steps or materials in the prior art are excluded by the recitation of "consisting essentially of," applicant has the burden of showing that the introduction of additional steps or components would materially change the characteristics of applicant's invention."

Thus, Applicant asserts that the addition of the electrical equipment and the safety bar 20 of the FARRELL reference would "materially change the characteristics of applicant's invention."

With further regard to Independent claim 1, independent Claim 1 **consists essentially of:**

"a plurality of flat tracks fixedly secured to a floor,  
**each of said flat tracks being grounded,**  
a plurality of storage units, each of said storage  
units comprising a plurality of racks **having wheels** adapted

to be moved along flat tracks of said plurality of flat tracks, each of said racks being electrically grounded **when said rack wheels contact said flat tracks of said plurality of flat tracks**, and

**an operator engageable drive assist mechanism** to move said racks."

The "consisting essentially of" language as used in claim 1 expressly excludes the electrical equipment and safety bar 40 as disclosed in the FARRELL reference. As discussed supra, the electrical equipment is mounted to both the top and side of the FARRELL rack, and the safety bar 40 of the FARRELL reference is mounted to the side of the rack 14 and is coupled to switches in communication with the control system to turn on and off the control system. Each time a person touches the safety bar, the mobile storage unit is immobilized. See FARRELL, col. 6, lines 7-17 ("**Should a range 14 move to close an aisle 20 with a person in it, a safety bar 40 will touch the person (or an object) present in the open aisle 20 and open the associated switch 42 and cause module control system 36 to disable the motors for all storage elements 14 and stop movement thereof.**").

The present invention does not require such a limitation because no electrical equipment is mounted to or is required by the present invention to perform the function of the present invention: to readily access and house boxes of reticles.

If the safety bar in communication with the shut-off equipment as disclosed in FARRELL were part of the structure of the present invention, then each time a person touched the safety

bar, the racks 12 disposed in between each of the outer racks as shown in FIG. 2 would become inaccessible. The drive assist mechanism that imparts linear movement [i.e., in alignment with the longitudinal length of the shelves] to the racks 12 in combination with the wheels 24 and the tracks 20 of the present invention operates to allow retrieval of a single row 12 of racks 14 at a time, wherein the rows 12 move longitudinally along the tracks 20. See Applicant's Specification, paragraphs 0028-0029 as discussed further below.

Additionally added claim 17 is directed to "flat tracks positioned in longitudinal alignment with the longitudinal length of the shelves."

Support for adding claim 17 is disclosed in originally submitted FIG. 1C, and additionally, in amended Specification, paragraph 0029 as discussed supra.

"Referring now to FIGS. 1a, 1b, and 2, a movable rack system 10 for storing reticles comprises a plurality of rows of storage units 12. **Each row consists of plurality of independent racks 14 interconnected to each other in such a way that they are adapted to be moved as a single row to permit access between any pair of adjacent rows of storage units 12.** The racks 14 comprise shelves 16 carrying cells 18. Each of the cells 18 houses a reticle in a box (not visible in the Figures)."

Applicant's Specification, paragraph 0028.

"There also provided flat tracks 20 fixedly secured to a floor 22, wherein the flat tracks 20 are positioned in longitudinal or parallel alignment with the longitudinal length

of the shelves 16 whereas the racks 14 are equipped with wheels 24, and the racks 14 are made movable along the tracks 20. A drive assist mechanism enables an operator to easily move its associated rack row in a storage unit 12 along the tracks 20 by providing a mechanical advantage through a suitable arrangement of gears. Each drive assist mechanism includes **a hand assembly 26, which the operator turns rotationally to impart linear movement to its associated storage unit 12 via a drive chain** (not shown). Drive assist mechanism of this kind are well known in the art and therefore are not discussed in more detail." Applicant's Specification, paragraph 0029.

In contrast to the tracks of the present invention that are linearly or longitudinally aligned with the shelves 16 of the present invention, FARRELL has mounting rails mounted perpendicular to length of shelf, thereby providing lateral or perpendicular movement relative to the longitudinal length of the FARRELL shelves. See FARRELL, FIG. 1.

The primary purpose of the FARRELL invention is to detect when a person is in-between storage units laterally disposed on the rails. "When a person's presence is so detected in an open aisle, the movable storage element or elements adjacent an open aisle are prevented from moving to close the aisle." FARRELL, col. 3, lines 24. "According to the invention, a monitor or detector detects a person's presence in an open aisle without direct contact between the person and the monitor and in response thereto, the storage system prevents a storage element or elements from moving to close the aisle in which a person has been detected." Farrell, col. 3, lines 11-14



Unlike FARRELL, the present invention's main purpose is to store reticles in convenient mobile storage units 12 for easy access to a person placing or retrieving a reticle in a box placed on the shelves 16. Each of the rows 12 of racks 14 are designed to be individually accessed by using the drive assist to linearly or longitudinally open each row, and as shown in FIG. 1C, and FIG. 2.

Also shown in FIG. 2, the rows are closely spaced together, back-to-back to maximize storage space. "To conveniently increase capacity of the system, the rows of racks 14 can be made double-sided, that is arranged back-to-back as shown by 14a and 14b in Figure 1. Calculations show that making the racks double-sided and movable can increase the capacity of the idle mask storage up to 250% (say, from 60000 reticles up to 15,000 reticles)." Applicant Specification, paragraph 0034.

Thus, if a safety bar was mounted to the racks of the present invention and power was then cut off to a drive assist mechanism, access to the shelves 16 would be impossible, thereby preventing access to stored reticles and preventing storage of reticles waiting to be stored in the back-to-back racks 14.

Therefore, addition of safety bar and equipment that operates in accordance with Farrell's teachings would materially alter the present invention and should not be added to present invention.

According to MPEP § 706.02, anticipation under 35 U.S.C. §102 requires that "the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature

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not directly taught must be inherently present." Here, the FARRELL reference fails. The FARRELL reference does not disclose, teach, or suggest tracks that are electrically grounded and are longitudinally positioned in longitudinal alignment with the shelves, racks that have wheels and that are grounded by having wheels connect to the tracks, conductive floor covering that further assists in the grounding of the racks of the present invention, and cells that are made of metal and electrically connected to the racks by placing the cells on shelves of the racks, and wherein each cell houses a reticle in box.

Independent Claim 1 has been amended to advance prosecution, thereby, rendering the rejection of those claims, and rejection of the claims which depend from claim 1 respectively, under 35 U.S.C. 102(b) moot.

#### Rejections under 35 U.S.C. §103

In the Office Action, Claims 3, 4, 6-8, 10, 11, 13, and 14 stand rejected under 35 USC §103(a) as being obvious over FARRELL in view of SPITZER.

The rejections of 3, 4, 6-8, 10, 11, 13, and 14 based on FARRELL in view of SPITZER are respectfully traversed.

The Examiner asserts in the OA, page 7, clause 13: "In response to applicant's arguments on page 14 that Spitzer "shows no concern whatsoever about electrostatic properties", the examiner take[s] the position that Spitzer is shown for the teaching of sloped shelves for the purpose of preventing cargo spillage, therefore whether Spitzer shows any concern or not about electrostatic is not of issue here."

Additionally, on page 8-9, clause 8 of OA, Examiner contends: "Since the references are from the same field of endeavor, it would have been obvious to one skill in the art to modify the structure of Farrell et al by having the shelves sloped toward the inside of the racks in order to prevent cargo spillage, as taught by Spitzer, since both teach alternate conventional mobile rack structure, thereby providing structure as claimed."

The SPITZER disclosure shows no concern whatsoever about electrostatic properties of shiftable article storage device described and claimed in the FARRELL patent. Therefore, there is no motivation for FARRELL to modify their device for it to acquire those properties.

Contrary to Examiner's assertions, it is significant that Spitzer does not show electrostatic properties and that there is no motivation suggested in the FARRELL reference to combine with Spitzer to have sloped shelves to provide protection during an earthquake. See MPEP 2143.01.

"The mere fact that references can be combined or modified does not render the resultant combination obvious **unless the prior art also suggests the desirability of the combination**. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) (Claims were directed to an apparatus for producing an aerated cementitious composition by drawing air into the cementitious composition by driving the output pump at a capacity greater than the feed rate. The prior art reference taught that the feed means

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can be run at a variable speed, however the court found that this does not require that the output pump be run at the claimed speed so that air is drawn into the mixing chamber and is entrained in the ingredients during operation. Although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." 916 F.2d at 682, 16 USPQ2d at 1432.). See also *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992) (flexible landscape edging device which is conformable to a ground surface of varying slope not suggested by combination of prior art references)."

Thus, while FARRELL "may be capable of being modified to" have sloped shelves the way the present system is claimed, "there must be a suggestion or motivation in the reference to do so." Because no such motivation exists in FARRELL it would not have been obvious to combine FARRELL with Spitzer to render Applicant's invention.

"A statement that modifications of the prior art to meet the claimed invention would have been " 'well within the ordinary skill of the art at the time the claimed invention was made' " because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). See also *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1318 (Fed. Cir. 2000) (Court reversed obviousness rejection involving technologically simple concept because there was no finding as to the principle or specific understanding within the knowledge of a skilled artisan that would have

motivated the skilled artisan to make the claimed invention); *Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999) (The level of skill in the art cannot be relied upon to provide the suggestion to combine references.)" MPEP 2143.01

Thus, contrary to Examiner contention, merely having FARRELL and SPITZER in the "same field of endeavor" does not make the combination of FARRELL and SPITZER obvious. Because the "level of skill in the art cannot be relied upon [i.e., or field of endeavor] to provide the suggestion to combine the references, it is impermissible hindsight to combine FARRELL with Spitzer to render Applicant's invention.

Additionally, neither SPITZER nor FARRELL are adapted for storing individual reticles in boxes and modifying FARRELL in view of SPITZER would still fail to render the structure of the present invention. Spitzer does not disclose any suggestion as to the way of modifying the respective structure to meet the needs of the present invention. Thus, there is no motivation to combine SPITZER with FARRELL to render Applicant's invention as claimed.

The arguments for novelty of claims 1, 6 and 11, as amended, and newly added claims 15-17 over FARRELL do not differ from those in the above used in defense of claim 1, as amended: the FARRELL patent does not disclose or teach tracks that are electrically grounded and are longitudinally positioned in longitudinal alignment with the shelves, racks that have wheels and that are grounded by having wheels connect to the tracks, conductive floor covering that further assists in the grounding of the racks of the present invention, and cells that are made of metal and electrically connected to the racks by placing the

cells on shelves of the racks, and wherein each cell houses a reticle in box. Adding SPITZER does not affect those arguments since SPITZER as well does not disclose or teach electrically grounded racks and metal cells electrically connected to the racks.

Thus, the present invention, as set forth in the now amended claims 1, 6, and 11, the claims which depend from claims 1, 6, and 11 respectively are clearly distinct from the art of record.

The foregoing amendments further clarified some of the features of the reticle storing movable rack system of the present invention. It is believed that the present invention as amended is novel and non-obvious over the reference relied upon by the examiner.

Additionally, as discussed previously, because the reference cited and relied upon by Examiner does not disclose, teach or suggest all of the features alone or in combination of the claimed invention, the 102 and 103 rejections are believed to be obviated.


Based on the above, it is respectfully submitted that the claims 1, 6, and 11 are in condition for allowance, which allowance is earnestly solicited. With respect to the remaining claims, all of which depend from claims 1, 6, and 11, the fact that they claim additional elements or limitations also renders them allowable over FARRELL and SPITZER, which allowance is earnestly solicited.

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Based on the foregoing, the Applicant respectfully submits that all of the pending claims, i.e. claims 1, 3-8, 10, 11, 13, and 14-17 are now in condition for allowance. Such favorable action by the Examiner at an early date is respectfully solicited.

In the event that the present invention is not in a condition for allowance for any other reasons, the Examiner is respectfully invited to call the Applicant's representative at his Bloomfield Hills, Michigan office at (248) 540-4040 such that necessary action may be taken to place the application in a condition for allowance.

Respectfully submitted,  
Tung & Associates



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Randy W. Tung  
Reg. No. 31,311  
Telephone: (248) 540-4040